IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

Bail Appl..No. 6451 of 2006()

C.R.NO.14/2000 OF KOLLAM EXCISE RANGE.

PETITIONERS/ACCUSED NOS.1 TO 9

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1. SABU, S/O. SADANANDAN,
SHAJI BHAVANAM, PERUMKULAMCHERIYIL,
KULAKKADA VILLAGE, KOTTARAKKARA.

2. VIJAYAN, S/O. BHARGAVAN,
SHINU BHAVAN, NENMENI MURI,
MANTROTHURUTHU VILLAGE, KOLLAM TALUK.

3. USHA, W/O. VIJAYAN,
SHINU BHAVAN, NENMENI MURI,
MANTROTHURUTHU VILLAGE, KOLLAM TALUK.

4. CHITHARANJAN, S/O. PADMANABHAN,
KARTHYAYANI MANDIRAM, PAZHAMTHURUTHU MURI,
MANTROTHURUTHU VILLAGE, KOLLAM TALUK.

5. RAMANI, D/O. NALINI,
VADAKKEKUNNATHUVILA VEEDU, ULIYAKOVIL CHERY,
KOLLAM EAST VILLAGE, KOLLAM TALUK.

6. K.THULASEEDHARAN, S/O. KUNJU PANICKER,
DILEEP BHAVANAM, PERINAD VILLAGE,
KOLLAM TALUK.

7. V.G.UNNIKRISHNAN,
VELLIPARAMBIL VEEDU, VALAPPAD VILLAGE,
CHAVAKKAD TALUK, THRISSUR DISTRICT.

8. T.S.LATHIKA, D/O. BHANUMATHY,
PUZHPAMANDIRAM VEEDU, UDAYAMARTHANDAPURAM CHERY,
MUNDAKKAL VILLAGE, KOLLAM.

9. SURESH BABU, S/O. RAGHAVAN,
KALINGAL CHANDRAVILASAM VEEDU,
KANNIMEL CHERY, KILIKALLOOR VILLAGE,
KOLLAM.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.B.S.SWATHY KUMAR
SRI.K.G.RENGANATH

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2006, ALONG WITH BA.No.6456/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application Nos. 6451 & 6456 of 2006

Dated this the 7th November, 2006.

O R D E R

Petitioners in B.A.No.6451/2006 are accused 1 to 9, in C.R.No.14/2000 of Excise Range, Kollam. The offence alleged against them are under Sections 56(b) and 57A of the Abkari Act.

2. Petitioners in B.A.No.6451/2006 are also accused in a similar offence, which has been registered as C.R.No.13/2000 of the same Excise Range, for which B.A.No.6456/2006 is preferred.

3. In both the cases, the allegation is that the petitioners had mixed toxic substance in toddy and sold the same to the consumers, during the year 1997-98. On detection, it was sent for chemical analysis, and the analysis report show that the diazepam was mixed with toddy. Therefore, the Excise Inspector has registered different crimes, as stated above. Hence, petitioners are before this Court through separate applications for a pre-arrest order, in both the cases.

4. Counsel for the petitioners submit that the crimes has been registered in the year 1997-98, and the investigation is complete. It is further submitted that the petitioners are not required

for interrogation, as the chemical analysis report is available with the Investigating Officer. I have also heard the arguments advanced by the learned Public Prosecutor.

5. In the above facts situation, I direct the petitioners in both the applications, to surrender before the Investigating Officer, Inspector of Excise Range, Kollam, on 14.11.2006, between 9.30 and 10 a.m.

6. The Investigating Officer shall interrogate the petitioners, and thereafter produce them before the court below, on the same day itself.

7. On production of the petitioners, the learned Magistrate shall allow the petitioners to be on bail, imposing such conditions, as are deemed necessary.

J.M. JAMES,
JUDGE

nj.